

**AMENDMENTS to the DRAWINGS**

No amendments or changes to the Drawings are proposed.

## **REMARKS**

### **Reopening of Examination**

We appreciate the Examiner's consideration of our Appeal Brief, reopening of examination, withdrawal of the rejections under 35 U.S.C. §112, first paragraph, rejections under 35 U.S.C. §103(a) over Miller in view of Mendibil, and the indication of allowable subject matter as set forth in Claims 4 and 8.

### **Nature of Amendment**

In the present amendment, we have amended claim 1 to incorporate the recitations of allowable Claim 4, and we have cancelled Claim 4. We have also cancelled Claims 5 - 8 which were drawn to a computer readable medium embodiment of our invention.

However, we are not conceding that the subject matter encompassed by the cancelled claims prior to this Amendment are not patentable over the art cited. Amendment and cancellation of these claims are made solely to facilitate expeditious prosecution of at least a portion of allowable subject matter in this application. We respectfully reserve the right to pursue claims, including the subject matter encompassed by the cancelled claims, as present prior to this Amendment and additional claims in one or more continuing applications.

### **Information Disclosure Statement**

In the Office Action, we were notified that portions of our supplemental IDS were not considered because certain identification information about the listed items was not included in the disclosure.

We are re-submitting our supplemental IDS list with as much identification information regarding the non-patent literature as we know. We do not believe an additional fee is necessary, whereas an IDS submission fee has already been paid. However, if such a fee is necessary, we authorize the Commissioner to charge our deposit account as set forth in the opening paragraphs of this reply.

We respectfully ask the Examiner to consider the references.

**Request for Advisory Action**

We believe the present amendment places the claims in condition for allowance. If, for any reason, it is believed that the claims are not in a condition for allowance, we respectfully request constructive recommendations per MPEP 707.07(j) II which would place the claims in condition for allowance without need for further proceedings. We will respond promptly to any Examiner-initiated interviews or to consider any proposed examiner amendments.

Respectfully,

*/ Robert Frantz /*

Robert H. Frantz, Reg. No. 42,553  
Agent for Applicant  
Tel: (405) 812-5613  
Franklin Gray Patents, LLC